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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC = 3 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Local Competition and Broadband Reporting) CC Docket No. 99-301

COMMENTS

Sprint Corporation hereby respectfully submits its comments in the above-captioned proceeding in response to the Notice of Proposed Rulemaking (NPRM) released October 22, 1999 (FCC 99-283). In this NPRM, the Commission has solicited comment on proposed rules to collect information on the status of local telephone service competition and the deployment of advanced telecommunications capability. As discussed briefly below, Sprint does not object, as a general matter, to the collection of information necessary to assess either of these matters, and believes that carriers' provision of the data annually, at a state-wide level of aggregation, will be sufficient to satisfy the Commission's needs here. However, in order to protect competitively sensitive information, the Commission should aggregate publicly available information as recommended below and grant confidential treatment to any proprietary information submitted.

It appears that Sprint will be able to provide most of the information requested in FCC Form 477, with the exception of certain data relating to high capacity lines/channels in service (Section III, columns c and d). Sprint's Local Telephone Division does not track the use of T1 or T3 services, or lines provided to specific classes of users; we only have information regarding provision of the "pipe" and do not track whether the customer is a residential or business subscriber, since we charge the same rate to all subscribers irrespective of class of service. Similarly, we do not track capacity utilization on a voice grade-equivalent basis since the rate

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charged for a T-1 or T-3 circuit is not prorated even if there is less than 100% capacity utilization. In any event, because the rates for high capacity circuits are significant in relation to a voice grade circuit, we believe that most high capacity service subscribers will request this service only if they expect to use that facility to a fairly high degree and that capacity utilization data for individual circuits would not be particularly helpful to the Commission. Therefore, we recommend that Form 477 not include this level of detail. Sprint also suggests that the Commission adopt the following recommendations relating to Form 477:

- As suggested in the NPRM (para. 45), ILECs of any size should be allowed “to file a brief letter in lieu of reporting local competition and broadband deployment data for states where that incumbent faces no local service competition and if it provides a *de minimis* number of broadband lines.”
- Form 477 should not be revised to include information regarding “the extent to which the internet is being used to provide telephony services” (NPRM, para. 61) because we believe that it is technically impossible for either the Internet access provider or the underlying IXC to determine if or when the Internet is being used to provide basic voice service. At least in Sprint’s case, telephone conversations over the Internet are not provided over discrete facilities, and the data stream associated with voice over the Internet is indistinguishable from that associated with data transmissions or other enhanced services.
- The spreadsheet associated with Form 477 should incorporate formulas wherever possible to minimize manual data entry (for example, when several lines or columns are summed up). Carriers also should be allowed to file a single spreadsheet containing separate sections for each state in which they provide service, rather than filing separate spreadsheets for each state.

Sprint believes that if carriers provide the data requested in FCC Form 477 on an annual basis, by state, that the Commission will have sufficient information to evaluate the status of local competition and deployment of advanced service capability. Furthermore, annual and state-wide reporting will reduce the burden on respondents. As the Commission has properly recognized, it is important to balance the need for information with the need to minimize the

burden on carriers (*see, e.g.*, para. 24 (need to “impos[e] on carriers the fewest burdens consistent with our need for the information”), and para. 44 (“we intend to limit the burdens on reporting entities as much as possible”)). Consistent with this approach, and consistent with the statutory requirement that the Commission “repeal or modify any regulation it determines to be no longer necessary in the public interest” (Section 11(b) of the Act, 47 U.S.C. 161), the Commission should include a sunset provision in its data collection rules which specifies that Form 477 will no longer be required after 2 years absent a determination that submission of this form is “necessary in the public interest.”

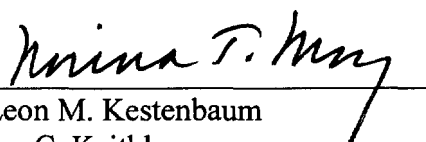
The Commission has also correctly recognized that carriers will attempt to protect any information which they are required to file which they feel is confidential and competitively sensitive (NPRM, para. 75). Sprint agrees that providing data on a state-wide basis will help to reduce the risk of disclosure of competitively sensitive or confidential data, and thus urges the Commission to adopt state-wide reporting as the maximum level of geographic disaggregation. Furthermore, any information that is made publicly available should be provided on an aggregated (*e.g.*, all carriers, or all CLECs and all ILECs) rather than carrier-specific basis. In evaluating the extent of competition or broadband deployment, it is aggregate, not carrier-specific, information which is of greatest relevance. Finally, where an ILEC provides UNE loops to two or fewer CLECs, information provided in Section I.B. of Form 477 should be redacted to prevent the disclosure of competitively sensitive information relating to the scope of an individual CLEC’s operations.

Finally, where a market is already highly competitive, the Commission should be very cautious about its reporting requirements. For example, mobile telephony is very competitive, and service providers typically provide information such as subscriber counts only on a

nationwide basis.¹ To the extent that the Commission concludes that existing reports are not sufficient to meet its needs here, it should limit wireless carriers' reporting requirements to Section VI of Form 477, and allow those carriers to provide subscriber counts based upon billing address (NPRM, para. 73).

Respectfully submitted,

SPRINT CORPORATION

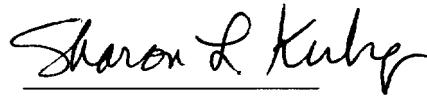

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¹ The Commission already receives information on and reports annually on the state of wireless competition. See, e.g., *Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services*, FCC 99-136, released June 24, 1999.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document of Sprint Corporation was hand delivered or sent by United States First-Class mail, postage prepaid, on this the 3rd day of December, 1999 to the following parties:



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